

## **MINUTES**

### **MONTANA SENATE/HOUSE JOINT RULES 57th LEGISLATURE - REGULAR SESSION COMMITTEE ON RULES**

**Call to Order:** By **CHAIRMAN FRED THOMAS**, on December 8, 2000 at 9:30 A.M., in Room 317A Capitol.

#### **ROLL CALL**

##### **Members Present:**

Sen. Fred Thomas, Chairman (R)  
Sen. Tom A. Beck, Vice Chairman (R)  
Sen. Dale Berry (R)  
Sen. Vicki Cocchiarella (D)  
Sen. Lorents Grosfield (R)  
Sen. Mike Halligan (D)  
Sen. Don Hargrove (R)  
Sen. Bob Keenan (R)  
Sen. Walter McNutt (R)  
Rep. Paul Sliter, Chairman (R)  
Rep. Doug Mood, Vice Chair Majority (R)  
Rep. Kim Gillan, Vice Chair Minority (D)  
Rep. Roy Brown (R)  
Rep. Tom Facey (D)  
Rep. Dan Fuchs (R)  
Rep. George Golie (D)  
Rep. Monica Lindeen (D)  
Rep. Dan McGee (R)  
Rep. Jim Shockley (R)  
Rep. Joe Tropila (D)  
Rep. Steve Vick (R)  
Rep. John Witt (R)  
Rep. Cindy Younkin (R)

**Members Excused:** Sen. Steve Doherty (D)  
Sen. Mike Taylor (R)  
Sen. Jon Tester (D)

**Members Absent:** Sen. Linda Nelson (D)

**Staff Present:** Fredella D. Haab, Committee Secretary  
Greg Petesch, Legislative Branch

**Please Note:** These are summary minutes. Testimony and discussion are paraphrased and condensed.

##### **Committee Business Summary:**

Hearing(s) & Date(s) Posted:

**CHAIRMAN THOMAS** asked **Mr. Bill Bayless, Department of Administration**, the status of the parking in the back of the Capitol.

**Mr. Bayless** stated that the parking, around the oval, had been a long-going bone of contention with the fire department because they had very limited access to different fire zones. As part of this renovation work we agreed we would make that a no parking zone on the inside circle so they would have access for their fire trucks. We have a hundred spaces in front of the Capitol which the House members have used in the past and we will designate fifty spaces in back for the Senate members. There were at least eight spaces on the west side of the oval. The others will be in the parking lot across the street. The parking lot across the street will be reserved for legislators and he thought there were four spaces for the Northwest Tribal Council, a couple of disability spaces and a few staff members. This had been a safety issue and it had been an ongoing thing with the fire department. Quite frankly they had been kind of leaning over backwards to help us and we agreed we would try to accommodate them.

**PRESIDENT OF THE SENATE TOM BECK** knew the parking was a real problem and he wondered if there were any plans by the Department of Commerce or anybody to actually put in a parking facility three or four stories high.

**Mr. Bayless** said they had talked a lot about this and quite frankly had done nothing. They had looked at this in light of several things. They had a proposal to create some more office space for state agencies. They were in dire need of that and part of that was to look at what we could do up here to increase space and increase parking. Parking structures are very expensive. Thousands of dollars per square foot. Our next big effort up here would probably be to try to create a parking structure. He personally does not want to see it in front of the Capitol but that was one of the possibilities. It could be on 6<sup>th</sup> and Montana. That area was kind of in limbo until the determination was made as to what happens to the Historical Society. If the Historical Society expands or builds a new facility in the Capitol Complex area that was going to have an impact on all these other things that happen. If they go out away from the campus then that may give some parking opportunities.

**PRESIDENT BECK** stated he had hoped that they could work something out for one more year with the fire people to get some parking. It just compounded our problem on the parking. He thought the senators could walk across the street. His problem was the public

parking. How were they ever going to get the public to find a parking space around here during the session if they don't use that oval to a certain extent? They had to begin to address the fact that they had a really parking problem.

**Mr. Bayless** understood what they were saying and they might look at that. He did have some parking available. The area on 6<sup>th</sup> and Montana was available. The Building Codes who were in there had moved to the Congress Building so that there should be some more spaces there than were available in the past. We have the old motor pool lot that has parking spots in it. During the last session he looked several times and they did have parking places there. In most states Capitol that was considered close but here you know we are used to something a little bit different.

**SEN. MIKE HALLIGAN** asked if the fire department was adamant that they have all that space? Could you reduce the size of the oval by ten feet all the way around it? He didn't believe they would have to cut down trees.

**Mr. Bayless** believed right now one of the trees was inside the oval and impinged upon the sidewalk around the oval.

**SEN. HALLIGAN** guessed only one lone tree and they gained twenty spaces or fifteen spaces. An easy solution.

**Mr. Bayless** thought it was kind of late in the day to change the sidewalk because that would be a very major task.

**CHAIRMAN THOMAS** asked if he was saying that we could look at using the oval during the session this time around.

**Mr. Bayless** would not make that commitment. This was something they had tried to work out with the fire department. That was what they had kind of agreed with actually about three years ago when this all came up.

**MAJORITY LEADER PAUL SLITER** asked if the State Fire Marshall or any authority condemned the area around the oval or dictated in any kind of written form that it was not to be used except for fire trucks anymore or anything of that nature?

**Mr. Bayless** stated the State Fire Marshall didn't get involved when it was local jurisdiction. They yield to them and let them make the decision. The local fire department was more than willing to give us a letter to that effect if it was necessary. He could get their position if you wanted it. If they came back and said it was ok, then they would do it.

**PRESIDENT BECK** asked if that was completely blocked off back there would they come from the street with their fire hoses?

**Mr. Bayless** assumed they would. They had to realize there was also a fire hydrant on the west side that had to be accessed so they would like to have their trucks between the building and the fire hydrant.

**MAJORITY LEADER SLITER** asked if there were not fire suppression infrastructures within the walls of the building? Such as hose hook ups and pipeline that the water runs through. Are we talking about the senators being able to park inside the oval or are we talking about the firemen being able to park within the oval? Do they really have to be within this close of proximity given the fire suppression infrastructure that existed in the building?

**Mr. Bayless** couldn't address the technicalities. You know there are all sorts of systems here and all sorts of considerations. They do have sprinklers in a good part of the building. He would share with them the fact that when Mutual came through last spring they were concerned that we didn't have sprinklers all over and in the upper structure of the building above the fourth floor. We are not completely protected by sprinkler systems. Whether we have a sprinkler system and have sprinkler hoses within this building he still thought the fire department needed access.

**REP. JIM SHOCKLEY** thought they ought to know about the underwriting very specifically to know what those concerns are and then they can address them in a timely fashion. If the hydrants are too far away, maybe we can move the hydrants closer.

**Mr. Bayless** said he could get that and then share it with them.

**PRESIDENT BECK** said it would be his feeling to see if he would talk to those people and tell them that we need that parking for this session. We then will take it up in the interim to see what we're going to do about the parking problems. He thought they had to come up with a cost for that parking building. He didn't realize in all this construction and everything that they were going to lose that parking back there. He just assumed that they were going to continue to have that and it was his feeling that they should pursue if at all possible to allow us to park back there during the session. We will take a look at what we're going to do and worry about the fire codes coming down the road. If that was impossible, he guessed they would have to do something different.

**Mr. Bayless** took the responsibility to check with the fire department and get back to the Legislators.

**CHAIRMAN THOMAS** thanked **Mr. Bayless**. He would work solely with **PRESIDENT BECK** on the issue and not this committee. With the renovations of the Capitol, had the fire suppression and protection been enhanced in any way during that time?

**Mr. Bayless** said yes and the big additions are these fire towers for evacuation. We also have expanded the fire suppression system and sprinkler system in some areas. We provided coverage where we didn't have some in the past.

**CHAIRMAN THOMAS** said so they had made advances in protecting the building and protecting the public. Fire safety was better than it used to be. Maybe we can work something out on the parking because of the public. It wasn't a matter of an inconvenience for the Senate members - its just a hundred feet or something. It was a matter of public parking.

**Mr. Bayless** asked if they were receptive to them introducing something to help with the parking? There was nothing at all in this building program right now to address that. If we don't do it this session that means it wouldn't be addressed until next session which will mean three or four years beyond that before anything actually happened. So we're talking two or three or four session on down the road before we see this problem solved. If you were receptive to something about parking we could certainly provide something and we could tell you what it would cost and what we would recommend in that regard.

**PRESIDENT BECK** would like to at least see what the cost would be. You know we have never even had a cost figure. We know that there was a project out there to build a great big fancy new building but he thought there was priorities that we had to take a look at it and there might be a possibility . Why don't you at least give us a cost figure at what it would cost to solve the parking problem. He was not saying that it will pass we've got to know where we're at.

**REP. STEVE VICK** thought it was a good idea also and was wondering why it has never been on any sort of list before?

**MAJORITY LEADER SLITER** asked **Mr. Petesch**, if we have any ability through the force of rule or law at our disposal to dictate what happens with regard to parking in that back lot for this session?

**Mr. Petesch** stated they did.

**CHAIRMAN THOMAS** thanked **Mr. Bayless** for his help on this subject and they would appreciate it if he would work with the **President of the Senate**.

**CHAIRMAN THOMAS** said there were a couple more things we want to talk about before we go. One was food. Can you update us on the issues of food and drink in the State Capitol?

**Mr. Bayless** wanted to address this in three steps. First he thought all of them felt that they needed to do what they can to protect the investment that had made in this building. They were asked to try to put together some guidelines. The rules they established or tried to establish are for outside users. The kind that used the Capitol Rotunda and various places for meetings and all sorts of activities. These rules were shared with the Capitol Complex Advisory Committee in the spring, which was chaired by **PRESIDENT BECK**. We reviewed them again and tried to get some support on this. They have an oversight responsibility. We put together these items.

**EXHIBIT (rus00b01)** Pamphlet of proposed rules and guideline for people using and working in the Capitol.

These are still a little bit of a draft rule. Probably the one that gets the most attention was "no food and drink" admitted in carpeted areas and hearing rooms for the non-legislative hearings and activities. We recognize that during the legislative session there was an ongoing buzz around here that you folks aren't going to stop or have time to stop and do these things. To say that you're not going to eat and drink in a committee room was probably something that was not enforceable. So we created that exception. Whether it extended to interim committee meetings was up to them. They assumed it did. They could certainly go with their interpretation and recommendation on it. If we get some of the spills on the carpet and we get on it right a way, it cleans up pretty easily. The carpet was going to be in here for ten years or twenty years. You get out in the hall where we have tile and marble with marble being a porous material and that stuff was going to be here for fifty, a hundred or two hundred years. They wanted to do every thing they can to protect it. There are certain things like wine and grape juice that are a lot more of a problem than even coffee. Every legislative day until the end of March various people are putting on displays, luncheon's or whatever in the rotunda. One of the individual had lost out because he got in too late, went to some of the leadership and got permission or authority to use one of the committee hearing rooms for a pizza party. He didn't think that was really something that needed to go on in one of our committee

rooms and was not the best protection of our resources. We recognized that during a session they would be having coffee and a sandwich. You were going to have everything else in here and we'll just have to deal with that the best we can. We are prepared to deal with that because they have a janitorial staff on duty all during the day. They just go around trying to take care of these things as they happen. So during the session we're in a lot better shape to take of those than we are in the interim.

On the back of this same thing there was a little statement with the rules for those people. Again, they were talking about the outsiders users. We may require a security and cleaning deposit depending on the type of activity. If it was a press conference that probably was not necessary. If somebody brought in fifty kids, we would have to use common sense judgement. That was kind of their response to using those committee rooms.

The second phase of that was trying to come up with some guidelines for the tenancy of the building. That was something that came out of a sub-committee of the Capitol Complex Advisory Committee. It came up with some ideas and we expanded on this and integrated it in with some of the other things we are doing and tried to create some rules. It says "draft" on it because we haven't gotten comments from the people that are in here all year round, the Legislative Staff, Budget Office and the Governor's Office. The first group there, the Guidelines For Construction Modification, are things that they thought we wanted to do to try to keep the integrity of this building so we don't end up with green and orange chairs and things that we had before. The second one which was Guidelines Of Common Sense are some things that people ought to know and think about as we protect the building. The controversial issue on this was at the bottom of the first group where the last bullet, just above where it said rules, guidelines, and common sense, it says organizations that provide acceptable appliances in designated break areas, personal appliances such as microwaves, coffee pots, tea pots, refrigerators, hot plates are not allowed in offices or cubicles. A lot of the legislative staff in particular take exception to that and that was the reason this was still in draft form they were trying to get some kind of buy in on that. Those were kind of the structure of the guidelines..

**CHAIRMAN THOMAS** asked **Mr. Bayless** if the legislative offices up here could have a refrigerator or coffee pot?

**Mr. Bayless** said yes.

**SEN. VICKI COCCHIARELLA** was concerned that because you're putting out a list of these rules and regulations for the public use and

it was not good for us not to follow the rules. She thought that it was not a good idea to have this kind of stuff where it's wrong to hand out to the public and then perhaps being criticized for breaking these rules.

**Mr. Bayless** said **SEN. COCCHIARELLA** had a valid comment. Our thought when this was drafted was that in some areas of the building we have break areas where we try to provide those amenities for those people. We feel if there was a coffee pot a microwave what ever you know fifty feet from their end of the room, it was not necessary that they had one in their cubicles. That was the problem that we had to address. We weren't really addressing at all the Senate and House offices on this floor. That was not the intent.

**REP. KIM GILLAN** had a quick question to whom do they report spills, etc.

**Mr. Bayless** said normally those things would go to the **Sergeant-of-Arms, Secretary of the Senate or Chief Clerk of the House.**

**CHAIRMAN THOMAS** thought security might be the people to contact during the evenings.

**Sergeant-of-arms Cramer** stated that normally it comes to the sergeant's office. Any spills or anything of that nature because the cleaning staff was used to responding to calls from us or we do it ourselves.

**Mr. Bayless** said he didn't think any of us envisioned it having any impact on what you folks have done before or how you behave during the session. They were trying to limit those things that occur during the interim and during other functions when people are in here. He hoped they are cautious but they may not have the same dedication to this building.

**CHAIRMAN THOMAS** thought that would go for all of us. He thought they wanted to hold ourselves to a higher degree than we have in the past. Look at what we have here. We're going to have to be far more careful for good reason. **Secretary of the Senate Rosana Skelton** or **Sergeant-of-arms Cramer**, do you have anything else on this subject?

**Sergeant-of-arms Cramer** had one other question. It was her understanding that if there was a function that had been in the Senate area and the people did not clean up after themselves that the Senate itself would be responsible for paying for the cleaning.



**Mr. Bayless** said they would like to do that. We'd kind of like to get something like that in place so they'd have a responsible person who takes care of these problems.

**SENATOR DON HARGROVE** thought this was between them and the public.

**REP. JOE TROPILA** stated in the our last days of the session, when we worked through the lunch hour, everybody ate on the House floor and the Senate floor. What are we going to do there?

**CHAIRMAN THOMAS** said in the Senate, we don't do that. We could talk about this later so you get a fuller understanding how it works.

**Secretary of the Senate Skelton** wanted to say that they had been participating with the other people in this organization to outline rules and she thought everyone would make a sincere effort to do what was right. It was a tough issue and they tried to address it by saying organizations would provide acceptable appliances in the designated brief areas. They don't want to have coffee pots in these cubicles.

**Mr. Bayless** said that was a good point and one of the provisions that we made in each area room was a table for the coffee pot and all that sort of thing. We recognize it was going to be there and it was going to happen. He started to put some of these guidelines together and thought it was going to be a piece of cake. It turned out to be one of the hardest things. They get very specific and very restrictive and you make it so negative it doesn't mean anything. The main line was we want the people to use common sense. If you saw some people doing some stupid things, like putting coffee cups on marble sills, you say something to them.

**SEN. COCCHIARELLA** was concerned about the wear and tear on this carpet that came from these chairs. These chairs now had buttons on the bottom of them but they don't seem to do the job for getting in and out of the chair. Was there any other option with the chairs as they are?

**Mr. Bayless** informed the committee they had looked at a lot of options. These chairs came with a little button on the bottom with about a 1/4 inch in diameter. We replaced all of those with some bigger ones that are an inch or more. If anyone has any suggestions, we are wide open. We have looked at things but this was about the best we could come up with.

**CHAIRMAN THOMAS** asked who was responsible for the sounds systems?

**Mr. Bayless** referred it to the **Sergeant-at-arms Cramer**.

**CHAIRMAN THOMAS** asked if there was going to be sounds systems in all of the committee rooms?

**Sergeant-of-arms Cramer** assumed that they would have the same kind of microphones set up like they had before.

**Bill Bayless** informed the committee that the four hearing rooms on the first floor and the larger ones up here. There will be a sound system in all these rooms. In the smaller ones, no. There are two considerations here. You have three meetings here and the sound system might be counter productive. It was not necessary for the smaller rooms.

**REP. DOUG MOOD** asked if there was any thing in the works to improve the quality of the sound system in the old Supreme Court Chamber?

**Mr. Bayless** told them he knew that question was going to come up and the answer was "no". That was something we are going to have to address in the future.

**REP. MOOD** asked if the reason it hadn't been addressed yet was because the money wasn't available?

**Mr. Bayless** answered he didn't think it had been a technical problem. It wasn't in the project. It was just something that probably was overlooked when we put together the requirements. They didn't do much in that room at all. He would take it on to see what they could do. He didn't know if there was something they could do in a short term or not. It was something that has been brought to his attention and he had failed to react to it.

**REP. MONICA LINDEEN** asked if the network jacks at the desk are going to be working for the session?

**Mr. Bayless** deferred to the President of the Senate and to the Speaker of the House. They are there but are not operational now. That would be an operational decision on the part of the leadership as to whether they want to make them functional.

**PRESIDENT BECK** said he was getting lot of heat on whether there was any smoking rooms in the Capitol.

**Mr. Bayless** said there were not.

**PRESIDENT BECK** said they brought me the law. He didn't want to flaunt the law.

**Mr. Bayless** said that agency heads can designate smoking within their facilities, if the design permits. Smoking rooms were not incorporated into the design of this facility. You need a separate ventilation systems. We are introducing legislation this time to make all state owned and leased facilities smoke free, state wide. The reason we are doing that was because the smoking rooms are a constant source of irritations. Smoke gets into other rooms even if we have separate ventilation systems.

**CHAIRMAN THOMAS** had a couple of questions. If the President or Speaker designated smoking area, would be in accordance with the law?

**Mr. Bayless** admitted it did say that **PRESIDENT BECK** could designate smoking areas in the Capitol in areas used by the Legislature. The problem was that we do not have any rooms or areas that have separate ventilation systems.

**CHAIRMAN THOMAS** said the law, that you read there, does it say in a specific smoke built room, you have the authority to do that.

**Mr. Bayless** said that was correct.

**CHAIRMAN THOMAS** asked what was the enforcement on that. We have come to that conclusion the Speaker or the President can designate a smoking area.

**Mr. Bayless** said that would be correct. His understanding was that it shouldn't be a legal interpretation. It said State owned buildings and agency heads shall establish at least one designated smoking area. The building must be suitably architectural design and functional purpose to have the designed smoking areas.

**PRESIDENT BECK** thought the Senate would decide what to do.

**CHAIRMAN THOMAS** said it was a touchy deal and we appreciated everybody taking their time to kick these issues around on all of these - sound, parking, food, smoking. It helped us to understand what we are trying to do. Was there anything else that anyone had questions from **Mr. Bayless** on all of these operational items?

**Mr. Bayless** said he appreciated the opportunity and would be glad to answer any question any time you have them.

**Secretary of the Senate Skelton** reported that these table tops in all the hearing rooms are not Formica. They are just wood and heat will make a white ring. We can protect the table tops with

the paper coasters. That will only be effective if people are kind of religious about looking for one. She thought unless the leadership buys into that and part of being a chairman was they remind people use the coasters.

**CHAIRMAN THOMAS** thought it was a very good point. He would like everybody to use a coaster at this time.

**SEN. COCCHIARELLA** asked if they would be available by the coffee pots?

**Secretary of the Senate Skelton** thought they would be available on the tables. Unless there was some sort of encouragement to go forth and use them it would not do any good.

**CHAIRMAN THOMAS** said part of her point was not to use the rule books and stuff like that, but actually use the coaster itself.

**SEN COCCHIARELLA** wondered if they could come up with something to set the microphones on the table.

**CHAIRMAN THOMAS** asked the House Majority Leader and Speaker of the House if they were ready to go forward with the Joint Rules? He asked if everyone had a little packet of all these rules that have been prearranged for their consideration. He wanted to adopt each rule change one by one. He thought they would start on the top page. The first one they had for their consideration was 10-70 in joint rules as telephone calls and internet access. The only purpose in this rule was to prevent somebody getting flack over their use of the phone line to access the internet, time frame and cost. Was there a motion to adopt 10-70 as was.

**Motion: SEN. BECK MOVED THE AMENDMENT TO ADOPT 10-70.**

**MAJORITY LEADER SLITER** said one of the things that was in the works currently, and it goes to **REP. LINDEEN'S** questions, was the Information Services Division of Legislative Services was in the process of contracting with a local internet service provider. A representative or a senator who wished to can sit at their desk on the floor of each respective house and dial the local internet connection. Through discussion and negotiations with the information services, he had requested the jacks on the floors of the House and the Senate to be disable for long distance. That wasn't to say that somebody couldn't plug into the back of their phone in their cubical or whatever else to make a long distant call. He had a need to dial onto a computer, within our company at home, that he made from time to time during the session. It was the plan at the moment that the long distant would be disabled on those jacks that were to be on the floor. He didn't

know how that will play into the discussion about the particular amendment.

Motion: REP. LINDEEN MOVED TO AMEND LANGUAGE IN THE AMENDMENT STRIKING THE WORDS "BY MEANS OF A MODEM ACCESSING" AND PUT THE WORD "THROUGH" AND TAKE "BY" OUT SO IT WOULD READ "THROUGH A PERMISSIBLE SERVICE" AND INSERT "THE" BETWEEN "WITHIN AND SCOPE".

CHAIRMAN THOMAS asked Mr. Petesch if he was comfortable with that? Was there any further discussion on the amendment.

REP. KIM GILLAN was confused by the word "permissible server." Was that you had to get permission or was that the server that you were talking about MAJORITY LEADER SLITER?

MAJORITY LEADER SLITER said under the rules "permissible server" was one that was permitted to be access. Server was a computer at a remote location that you dial onto and there are servers that are permissible under state law and there others that are not permissible under state law.

REP. GILLAN said she had AOL and was that a permissible server?

Mr. Petesch said the idea was that your access would have to be either through one you had already contract for personal use or the one authorized by the state to be used for state purposes. You couldn't go out and contract for a service and bill it to the House or Senate.

CHAIRMAN THOMAS asked for discussion on the amendment.

Vote: Motion carried unanimously.

CHAIRMAN THOMAS asked for discussion on the main motion as amended.

Vote: Motion carried unanimously.

CHAIRMAN THOMAS said the next item here was 30-60. The proposed rule updating the Oversight Revenue and Taxation Interim Committee.

Motion: SEN. BECK moved UPDATING THE OVERSIGHT REVENUE AND TAXATION COMMITTEE.

CHAIRMAN THOMAS asked for any discussion?

Vote: Motion carried unanimously.

**CHAIRMAN THOMAS** said 40-40 bill request and introduction had proposed language on the front page and then there was another proposal following that on the 3<sup>rd</sup> page by **REP. VICK**. There was another one by the Legislative Council on the 5<sup>th</sup> page. The one on the 5<sup>th</sup> page, from the council recommendation, was in essence that you would take out the limitations that was put in by the last session by the 56<sup>th</sup> Legislation Rules Committee.

**Mr. Petesch** reported the purpose of this was currently the Legislative Council in order to get agency bills in before individual legislative requests come in had acted as the requesting committee for those bills so they can get in and get drafted. The Council acted as the requester until the general election, after that agencies have to find a individual. The idea behind this rule was that the agencies would be required to bring their proposals to that interim committee that oversees them probably at the committee's September meeting. Those committees, that are charged during the whole interim with monetary and overseeing that agency, would have to be the committee that requested the bill because there are the ones that dealt with agency and they thought that would enhance that monitoring and oversight function and would quite possibly weed out some agency bills in advance that were not going to be supportable.

**REP. LINDEEN** wanted to know if they would had to go to the interim committee but, if it was after the election date, then they could still request the legislator to carry the bill.

**Mr. Petesch** answered yes.

**MAJORITY LEADER SLITER** asked if there was anything that conflicts with these rules in the law with regard to agencies ability to request legislation..

**Mr. Petesch** said there was nothing in the law about agencies at all. The only people who can request legislation are individual legislators or legislative committees.

**REP. CINDY YOUNKIN** also asked **Mr. Petesch** if after the election, could the agency still put the bill request in because obviously they still needed a sponsor.

**Mr. Petesch** said they may if you request it on their behalf.

**REP. YOUNKIN** asked if they could put the request in on their own?

**Mr. Petesch** stated they can't do it on their own. The Legislative Council, in order to expedite drafting, had said that

they would be the requesting committee for agency bills approved by the office of budget and programing planning. That was the current condition.

**CHAIRMAN THOMAS** said if they wanted a bill and they could have it drafted by there own staff, like they do now, bring it into the interim committee, get it approved by that committee's and introduced it. If they did not get that approval they would then have to find a legislator to introduce it for them.

**Mr. Petesch** agreed.

**REP. TOM FACEY** said when he first looked at this he didn't think good of a deal. He sat on Educational and Local Government and reviewed the case of the University Finance Committee and we had nothing to do with OPI. Now you are saying if OPI wants to come and give us a bill or some kind of local government, we needn't look at it. All he was looking at was the agenda of September meeting. What he was trying to say was that he didn't think some of the interim committees view agencies quite as much as you might think they do.

**MAJORITY LEADER SLITER** in response to that said that this would be a perfect opportunity for a good reason to start.

**REP. FACEY** said he could see the cost of committees going through the roof. We have specific things in the University funding that took two day every three months and if he had to start looking at everything OPI does or everything local governments do, he saw a cost problem.

**MAJORITY SLITER** said under Sen Bill 11 your committee was charged in Montana Code with that oversight responsibility. That function was a real bonus of as a result of Senate Bill 11. There was some oversight now for the individual agencies by the legislature during the interim. He would hoped that this would be as good opportunity for the interim committees to take that bull by the horns and exercise that oversight ability given to them by Senate Bill 11.

**SEN. HALLIGAN** totally agreed with the majority leader. He thought it wasn't Sen. Bill 11's intent that they go into great detail and approve certain substance that was in a bill. The committee can look over the drafts and if they want it, ok. It doesn't mean they have to vote for the bill. We had done that before in lots of areas. It doesn't really increase the meeting time that much. You have agenda items that are pursued along the way and they can be done not only in the Sept. meeting but earlier.

**SPEAKER DAN MCGEE** stated that to him there are two things that this amendment does. #1. It says unless requested by an individual member means, an agency may go to any individual member to put forth their proposed legislation. #2. If something does come forth in your committee, interim committee does not take action on that. All this amendment was trying to do was take the Legislative Council out of the loop and put the other in the loop. The Legislative Council doesn't review these bills either. So rather than have the Legislative Council being the sponsoring entity you are saying that the interim committees will have some responsible charge of the agencies.

**SEN. COCCHIARELLA** suggested if the guys were going to be in town, we could just sit down and say, okay here's where the dust has settled. She knew they have a oversight on that view. Are we putting something in writing that may be unconstitutional when it comes to separation of powers? She thought they can do anything we want but what it said, the request of the agency must be submitted to be viewed by and requested by the appropriate interim statutory committee. What **REP. TOM FACEY** said, she thought that if we had to in our interim Highway committee, we did hear their legislation but she didn't think her committee was interested in pursuing a immediate request for all of their legislation and then going through and looking at the drafts and approving the drafts and submitting it with our committee name on it. There are some issues there that she thought **REP. FACEY** raised that bothered her a little bit when it come to how much work an interim committee has to do and if all these agencies think they are going to come in and get a rubber stamp from the committee and then it was a bad deal.

**CHAIRMAN THOMAS** wanted a motion on this proposed amendment before we discuss it further one way or the other. If we don't have a motion to approve it , he was going to move on to something else.

**Motion: REP. LINDEEN MOVED THE AMENDMENT IN OF 40-40, 5A .**

**MAJORITY LEADER SLITER** said with regard to the separation of powers, it was his understanding under the separation of powers, the executive branch was given no ability to draft or request legislation. That responsibility lies in the hands of individual legislators. This to him was an advantage we are giving to the executive branch by way of allowing them to have a conduit to the legislature rather having to go strictly to individual legislatures. If they would prefer to do it that way and require the agencies to obtain the request of an individual legislature every time they want to introduce a bill, he thought that would be fine. But with regard to the separation of powers, they have no ability under the constitution to request legislation.



**Mr. Petesch** was asked to respond to **SEN. COCCHIARELLA** question. He agreed with the majority leader's interpretation of the separation of powers. Prior to the Legislative Council agreeing to be the requester for agency legislation, all agency bills had to be requested by an individual. So what the agencies would do was that they would call a Helena representative or a hold over senator and say, we have 20 bills that we need to get in. Will you be the requestor? That individual then had 20 bill drafting requests show up under their name on bill drafting request lists and then the other Helena hold over senator would have all the Department of Administration bill show up. That didn't happen often time with these agencies bill until after the election, because one senator would say, look he was not requesting for all 20 agencies, so they would do it for a couple. After the election when the non hold overs were elected and the Helena representatives were able to request bills, all the rest of the agencies bills would come in. The Legislative Council, knowing that we couldn't keep those out, but hoping to move them back further into the interim, agreed that they would be the requesting legislative entity for all agency bills that had been reviewed by the budget office prior to the election. That would move those bills, the drafting of them, back further into September and October and that was the goal. That goal worked. However, we now have this new interim committee structure that has monitoring and oversight in committees for certain agencies. In reviewing the current practice, there was no screening by any legislative entity of agency bills, whatsoever. The council just says, if they come from the budget office, we will be the requestor for purposes of getting them drafted as soon as possible. The idea behind this rule would be that the agency would at least have to go to the committee and say, we have this many of pieces of legislation we are proposing. Are you willing to request on our behalf a bill on this subject? If the committee says, no, and they can't even convinced the committee that had dealt with them all interim, that would reduce that agencies bill draft requests, unless they could convince an individual legislature to request for them and that was the whole idea behind this proposal.

**REP. FACEY** thought this was going to make the agencies to think ahead of time to get that before the committee. He understood what they were talking about now.

**SEN. COCCHIARELLA** commented that both she and **CHAIRMAN THOMAS** knew much about the Highways Committee and she thought they could be doing a disservice to the bill drafting process if they had to come before our committee for most of their legislation before it went ahead. We may be slowing down the process rather than speeding it up because they will go back to the old way when you

have the situation that we have on the committee with the transportation dept.

**CHAIRMAN THOMAS** wanted to discuss it with **SEN. COCCHIARELLA**. He understood what she was saying there, because every change was also another way to do it like the old way. That could happen but that was still in the hands of that legislator in the area here. What he saw was this aspect of the interim committees being streamlined with the committees of the session. This would further strengthen the standing committees and certainly they were going to meet another day in September. You need to go through these draft requests but he thought it may strengthen those standing committees and maybe a few bills knocked in the head early on.

**SEN. COCCHIARELLA** said the only way that this bill would be valuable was to be amended and all the rules have to come out that way to be approved by us.

**SEN. HALLIGAN** told **SEN. COCCHIARELLA** that it was not an approval function. It was an oversight function. They can submit a report that has all the bills in it and the if the committee wants to ask questions about that ask further. They are not going to stand up and give long presentations hearing unless the committee wants or the chair has the right to do whatever he wants to do.

**SEN. GROSFIELD** said the bill would not say by request of the committee. It will say by the request of the agency.

**CHAIRMAN THOMAS** seeing no further discussion asked for a vote.

**Vote:** Motion **carried**. **SEN. COCCHIARELLA VOTED NO**.

**CHAIRMAN THOMAS** wanted to get back to their first item. That was the other change in 40-40 and on that again we got a change proposed by the Legislative Council that would strip out the further limitations placed in rules on the 56<sup>th</sup> Session. Four bills and/or resolution was the aspect of it last session at 11:00 a.m. on the 18<sup>th</sup>. We had the council recommending that we remove it and we have got **REP. VICK'S** proposal.

**Mr. Petesch** said the council proposal was simply to remove language from the rules that no longer had any effect.

**CHAIRMAN THOMAS** said they weren't making position they were just updating. Before we have a motion, he wanted to call on **REP. VICK** to make a proposal for his rule change.

**REP. VICK** said there were two changes and one was under section 40-40, b2. It was exactly the same as in **SEN. THOMAS'S**. The other one was probably a little more interesting of the two and that would limit any member to no more than introducing ten bills. He knew that there are a lot of people in here who have a lot more than ten bills and my intent clearly was not to change any bill that had been introduced for this session. It would apply to the future and really be in effect for next session. He thought that they had done a couple things to try to restrict the number of bills. He thought that a good legislation came out if we had a little less to do. The members had to make some choices of what bills they wanted to carry and that was really his intent and it was not to have it apply to this session. There would be a limit of ten. Down under "c" or down under "d" there are these limitations on bills & resolutions requested and his intent was also applied to them.. That ten would not include bills by standing committees. That wouldn't apply against your limit and he was not locked in on ten but he thought ten was a reasonable number.

**CHAIRMAN THOMAS** asked **REP. VICK** if he wanted to make a motion that at this time so we can discuss part or all of your proposal.

**Motion: REP. VICK MOVED THE CHANGES TO 40-40 SECTION A TO LIMIT MEMBERS TO TEN BILLS.**

**Rep. Vick** asked if they needed to put limitation of section d on section a?

**Mr. Petesch** said he thought the limitations being referred to in d for the rest of the section.

**CHAIRMAN THOMAS** asked for a discussion on 40-40 section a.

**SEN. HARGROVE** stated there was a certain practicality here that made it logical and probably a good idea. He would be interested in what effect it would have had this time and in my prospective that all the people who have been around for awhile are being asked to do all the bills for the administration and yet we have an awful lot of bills and he was assuming that you folks have got a whole bunch of your own. He didn't know if that was true.

**Mr. Petesch** said the facts are as of 5:43 a.m. this morning, you had 1205 bill draft bills requested. As of that same time and date in 1998, you had 1247 bills requested. So you have diminished by 42 bills the number of requests received as of the beginning of the day. He had more data if they would like to know how many any individual has requested.

**SEN. HARGROVE** noted that there might be no need for this and if there wasn't a need he was not sure if we should do it.

**PRESIDENT BECK** said he came from the district right here on Helena, and this session he won't carry the bills because he was too busy. But in the past, he had been under that umbrella where the state agencies come to the Helena legislator and asked him just to introduce the bills. Not necessarily to carry them, but to introduce them. You are going to get that coming from a district within the Helena area and he hated to see us put a ten on a bill limit. He thought the agencies could go all over the state and try to pick them up, but then it also uses up your bill draft request. He thought the agencies have a right to come here and propose legislation. He also had personal legislation that comes right from my district. On the same token, he hated to see that and when he looked at the trend right now, it was not increasing. We do want to keep the caps on as we go through the process so after the 5<sup>th</sup> of Dec. and some of those caps, that's going limit now any legislator from producing a lot of legislation, putting Legislation Council in a bad position. He guessed he was opposed to putting any kind of limit on the legislators request. Most legislators he thought, and **REP. VICK** would understand this, might only one or two bills, especially the new legislators.

**MAJORITY LEADER SLITER**, had a question for **Mr. Petesch**. Had there ever be a challenge to the constitutionality of limits on the number of bills that can be introduced by an individual?

**Mr. Petesch** said he had never found a reported decision challenging that and his opinion was that was questionable whether a court, and he would certainly argue that they do not, have jurisdiction to determine the validity of an internal operating procedure of the legislature. He would argue that separation of powers precludes a court from reviewing an internal legislative operating rule.

**MAJORITY LEADER SLITER** how would that interpretation deal with the open caucus decision?

**Mr. Petesch** stated that ruling was based in part on a statute. That affected the public's right, not an individual legislator's right. That was another distinction.

**SEN. HALLIGAN** said they had debated this issue a long time. He was one of the strongest proponent of the citizens legislature that you would ever find here on earth. When you have a citizen legislature that meets every four months, with access only during that four months period and it may look like a warp in the system

but you have this chaotic influx of bills and all of these ideas coming into mix. That was actually one of the strongest part of the process because it acts like a public vent when needed to vent during the process. There are some stupid bills that come in. No question about it. There are inappropriate bills that come in and those get killed or weeded out and dumped. If you look at the arbitrary units and respect what you are trying to do here but, the agencies and the lobbyist are smart enough to get these things in quick. There are the ten bills, then the public wants to come to me, so he had nine of his requests done by agencies and lobbyist and he can't do anymore so go to somebody else. Let's let leadership tell their members, come on everybody, keep it down, and let the leadership guide the troops the way that they ought to be able do that. If they want to put limits on bills they can certainly do that. You have some great things now. We used to sit around for two weeks before we actually had heard bills because of the late introduction of bills. They just would not get drafted because we had so many bill come in, now with all the pre-introduction requirements, the agencies coming early, you could have hearing the day you come in. So we could start the process quicker and works far more efficient. Even though we got the thousand bills before we even had to wait before to hear that thousand. Now we are started that's why he thought our 45 day break and other breaks are not quite as messy because we got lots of things done. Let us keep the chaos a strong part of the process. Let us let the committees deal with those bill when they come in. The County Association called me and they said they want three done. When you look at the total request here, there are lots of those requests that won't be bills.

**CHAIRMAN THOMAS** asked **SEN. VICK** if he wanted to close.

**REP. VICK** could guess where this was going but if you knew up front you would have only ten, then you would save five, six, or four for your constituents and then you would say "no" and it would reduce the number of bills. It would be easy for **PRESIDENT BECK** to have to say, look, he could request three or four but that's all because he had to save the rest for my constituents. It does cut both ways and we could save little bit of the chaos of people introducing bills they don't like. He thought there were many advantages to it and he thought that the fighting can get bogged down. He would still like to have a vote to get sense of where people are.

**CHAIRMAN THOMAS** said the motion before us was to adopt **REP. VICK'S** limit of ten bills.

**Vote:** Motion failed 5-21. VOTED YES REP. VICK, SHOCKLEY, MCGEE, SLITER, AND SEN. KEENAN.

**SEN. GROSFIELD** wondered why they operated under December 5 and not the first Friday, the first Monday in December because if December 5 happens to be on the weekend the Rules are going to have to be changed for that session.

**Mr. Petesch** thought that the date was chosen so that everyone would always know exactly when the deadline was. The date chosen was approximately one month after the election. That allowed all the people who had opposition during the general election some window of opportunity that had been afforded to those who did not have opposition.

**Motion:** SPEAKER MCGEE MOVED TO ADOPT FIRST PAGE LANGUAGE UPDATING IT TO THE 57<sup>TH</sup> SESSION SO THAT THIS FURTHER LIMITATION TO FOUR BILLS OR RESOLUTIONS WOULD APPLY ON THE 18<sup>TH</sup> AT 11:00 A.M.

**CHAIRMAN THOMAS** said the original motion was to take the Legislative Council recommendations to update the rules by taking out the second limitation. **SPEAKER MCGEE** has moved to make the motion to adopt first page language updating it to the 57<sup>th</sup> Session so that this further limitation to four bills or resolutions would apply on the 18<sup>th</sup> at 11:00.

**REP. GILLAN** asked **Mr. Petesch** if he referred to that section of what was crossed out but now we would keep in, she was puzzled by it says "A bill or resolution requested between 5:00 pm on December 5<sup>th</sup> and 11:00 a.m. on December 18<sup>th</sup> was exempt from this sub section.

**Mr. Petesch** recalled it was put in because of fear for the number of request being received at least partially in response to CI 75. We had to have a bill to change every fee that was currently an administrative rule at that time. The second limit was put in to allow members rather than seven to give them four, but if someone had already requested five of their seven between the fifth and the eighteenth they would be held harmless.

**REP. GILLAN** asked if the last sentence was needed?

**Mr. Petesch** said the idea was to clarify that because the current and existing rule allowed you seven and now you are only going to get four. If you haven't used any you were getting four. If you had used five you got those plus two more. What it was designed to do was to further restrict the seven request limit for those who hadn't exercised it.

**SEN. HALLIGAN** said if he hadn't done anything between now and the start of the session. He had seven bills and so as soon as the session started he only got five.

**CHAIRMAN THOMAS** said it goes seven, four, two, right? **Mr. Petesch** said that was correct.

**CHAIRMAN THOMAS** asked **REP. GILLAN** if her question was on the motion?

**REP. GILLAN** said this language will stay in there and that was why she was confused by the exiting language which wouldn't have been inappropriate question before but **SPEAKER MCGEE** wanted to keep it in. She asked **Mr. Petesch** if he could use numbers so she could understand that?

**Mr. Petesch** answered that the current rule was you may request seven bills after Dec 5<sup>th</sup>. If you requested three between Dec 5<sup>th</sup> and Dec 18<sup>th</sup> and after Dec 18<sup>th</sup> you're entitled to four. You will lose two of those if you don't request them prior to the session. If you request all four they stay in place. He was trying to think of a number that will give us the result we achieve. Maybe it's five. If you request five of your seven between the 5<sup>th</sup> and the 18<sup>th</sup>, you are limited to two more either way. He was not sure he could give a number that would clarify it. The idea behind that language was to hold harmless anybody who had exercised requests. He knew what the intent was but didn't know if he could give an example.

**SPEAKER MCGEE** said he understood this particular was put in strictly for CI 75 that year. Was that correct?

**Mr. Petesch** agreed that it was the bill drafting flood that precipitated this limit. His understanding was that leadership was pretty adamant that they did not want to see 2000 bill requests.

**SPEAKER MCGEE** wanted to withdraw his motion.

**CHAIRMAN THOMAS** said they would revert back to **SEN. GROSFIELD'S** motion with was the 40-40 recommendation by Legislative Council to strip the 56<sup>th</sup> Session's language on further limitations from the rules. Was there further discussion? Seeing no further discussion all in favor of the motion say aye all opposed no

**Vote:** Motion **carried unanimously.**

**SPEAKER MCGEE** asked for a point of clarification if that did address 40-40 1b as well as dii.

**Mr. Petesch** said yes.

**CHAIRMAN THOMAS** asked **SEN. BERRY** for a motion on 60-20 to update the Mason's manual to the 2000 version.

**Motion:** **SEN. BERRY** moved **TO UPDATE THE MASON'S MANUAL TO THE 2000 VERSION.**

**Vote:** Motion **carried unanimously.**

**SEN. COCCHIARELLA** asked if there were any books?

**CHAIRMAN THOMAS** said several had been ordered. They should be available. **Mr. Petesch** checked on them Wednesday and there on order. We don't know exactly when they would come.

**Mr. Petesch** said NCSL promised expedited shipping.

**CHAIRMAN THOMAS** stated that in his discussion with **Mr. Petesch** that the updates were not overwhelming.

**Mr. Petesch** told them they had to remember that Masons was a compilation of general rules and then also a compilation of cases, etc. interpreting them. So it was like any other annotation it had to be periodically updated, and NCSL was doing it on a decade by decade basis. The last one was 1989 now we have 2000. They did have a summary prepared that discusses the primary revisions to the manual and he could have that made available to all of you.

**CHAIRMAN THOMAS** stated that on 40-65 there was a proposed rule updated by the Council.

**Mr. Petesch** said this was a proposal that the Legislative Council made because most interim studies are done through joint resolution. The Council felt that it allowed the priority ranking to take place on an even handed basis at the end of every session. Then the Council receives the pole and under statute it was the Council's duty to assign those studies to the appropriate committees. The Council's concern was that when someone adds an interim study to a bill that becomes law and then we as a Council are required to conduct that study. That removes the Council's flexibility to allocate its staff and its resources. So the idea was that we would prohibit bills requesting interim studies by legislative committees. We don't want to preclude a bill requiring a study for example by the Local Government Funding and Structure committee that was staffed by the Department of Revenue. That had no impact on Legislative Council staff and resources. This rule would prohibit a bill from being used to require an interim study. It would make all



of the interim studies then be by joint resolution. They would all be polled and ranked and then the Legislative Council would allocate them to the interim committees in an attempt to get a handle on interim workload. That was the purpose of this proposal.

**Motion: SEN. COCCHIARELLA MOVED THE AMENDMENT.**

**SEN. COCCHIARELLA** asked **Mr. Petesch**, if you are a committee and the committee discusses this bill and you can't agree on the bill and they say "Well, let's just make this a study." Then would the committee have to request a resolution. **Mr. Petesch** agreed.

**SEN. GROSFIELD** asked if the committee was not a legislative committee and involved private citizens as well as, would it be an interim committee? Would this rule prohibit that sort of a study?

**Mr. Petesch** said this rule restricts the ability of a study to be conducted by a legislative committee. He didn't think it sounded like a legislative committee.

**SPEAKER MCGEE** had a couples of questions. As he understood it, a person comes in with a bill on the floor of our chambers and it passes all the way through and if it had a section requiring a interim study it would become law. The Legislative Council LSD would have to use that in there mix of which studies get done.

**Mr. Petesch** agreed. **SPEAKER MCGEE** said if you don't do that you do it by resolution. Assuming the resolution passes, then there's also vote tally taken towards the end of the session or right after the session?

**Mr. Petesch** said right after session. Polling and ranking are studies by members.

**SPEAKER MCGEE** said in essence it becomes the will of the majority in either case that there be a study. But then it only falls to Legislative Council to decide the ranking of that.

**Mr. Petesch** said the Council looks at the rankings from the poles in assigning studies to the committees.

**SPEAKER MCGEE** thought it would be possible then that we could have so many requests for interim studies that ranking would be such. Are all the interim studies considered by interim committees? Or can Legislative Council say "No there's too many and the bottom ones here don't go."

**Mr. Petesch** said that was always the case but he had never seen an interim resolution that did not pass.

**SPEAKER MCGEE** thought that it meant that it falls to Legislative Council to decide whether or not there was an interim study. The ranking was there, but if there wasn't the staffing or these other kinds of issues or concerns, then it was possible that an interim study does not get conducted on particular issues.

**Mr. Petesch** agreed. That limits the Council's ability to assign staff to the studies ranking in the polling.

**MAJORITY LEADER SLITER** gave a quick example. Last session with regard to the judicial restructuring that he had proposed. He had in the bill a study session that the appropriate legislative committee "shall" study the appropriateness of the redistricting and the Senate Judiciary committee changed that to "may." The study still got authorized but they gave it the force of undoing what he specifically tried to do. Whether or not you have to do the study, whether the Legislative Council has to do the study or they don't have to do the study, under this amendment you could never without a suspension of the rules demand through the force of law the study of this kind could take place. That was a policy decision of whether we want to have the ability to put that into the force of law or not.

**CHAIRMAN THOMAS** wanted to follow that up. Wasn't the potential thought that you were actually setting up this was a guideline because if this did pass, a statutory law, was a statutory law. We would have to follow the law and not the rule.

**Mr. Petesch** said you would have a bill that was subject to challenge as violating the rules and whether it was a legal bill or not would go to this committee.

**SEN. HALLIGAN** stated that was why leadership runs the show on Legislative Council because the ranking comes in and they get to decide. Maybe even the polling says which ones get done. He didn't know whether the Council could override it. **Mr. Petesch** said they could override it.

**CHAIRMAN THOMAS** asked **Mr. Petesch** a question on the Committee on Electrical Transition Advisory Committee. Was it an interim committee?

**Mr. Petesch** said it was a statutorily created committee.

**CHAIRMAN THOMAS** asked for discussion on the motion.

**Mr. Petesch** informed the committee that each house has to vote separately.

Sen. Thomas Aye	Rep. Sliter No	Rep. Witt Aye
Pres. Beck Aye	Rep. Gillan Aye	Rep. Younkin Aye
Sen. Berry Aye	Rep. Brown No	
Sen. Cocchiarella Aye	Rep. Facey Aye	
Sen. Grosfield Aye	Rep. Fuchs No	
Sen. Halligan Aye	Rep. Gollie Aye	
Sen. Hargrove Aye	Rep. Lindeen Aye	
Sen. Keenan Gone.	Rep. McGee No	
Sen. McNutt Aye	Rep. Shockley No	
Sen.. Taylor Aye Rep.	Rep. Tropila Aye	
Sen. Tester Aye	Rep. Vick No	

**Vote:** Motion **failed**. Senate passed 10-0. House failed 7-6.

**CHAIRMAN THOMAS** said the purpose of the change in 30-70 was the appointment of the interim committees. **Mr. Petesch** can round this out, but it was designed to flow people onto the interim committees that are on the certain committees listed here. The first example was Business and Labor. They would come from Agriculture & Livestock, Business & Labor Committees and visa versa.

**Mr. Petesch** said Section 5-5-211 says that "The membership of interim committees must be provided for by legislative rules." The rules must identify the committees from which the members are selected. The appointing authority shall attempt not less from fifty percent of the members from the standing committees that consider issues within the jurisdiction of the committee. That was the law. What this proposal attempts to do was to fulfill the requirement that was placed in law last session. Now this list was just something that he created to try to guide this committee. He used old committee names and the other thing he did was he put in Appropriation & Finance and Claims sub-committees. He did that because there was consideration being made by the Director of the Fiscal Division and the Director of the Services Division to have these sub-committees recognized in rule. They have deiced not to offer that, so he would with their indulgence update the committee names first of all. Secondly where there are references to sub-committees just insert Finance and Claims or House Appropriations.

**CHAIRMAN THOMAS** said they could do that in a motion. If we adopt this proposed amendment and the changes you have suggested in updating it, the fifty percent rule in the law still applies. So fifty percent of the members if this was adopted would have to

come from these committees. The other fifty could come from wherever. Was that fairly well understood?

**REP. FACEY** asked if he wasn't on one of these committees could he still get on one of the interim committees? He could be on the other side of the fifty percent, wasn't that correct? **Mr.**

**Petes**ch said he was correct.

**Secretary of the Senate Skelton** had a question on the numerical number and she wondered if it were a typo? For instance, in number five the Revenue and Taxation Interim Committee you have two "C's" and two "B's".

**Mr. Petesch** agreed that he had two "B's" and two "C's" in several locations and they will be fixed.

**CHAIRMAN THOMAS** asked for a motion on the amendment?

**Motion:** SEN. COCCHIARELLA MOVED TO GIVE MR. PETESCH THE AUTHORITY OF THIS COMMITTEE TO UPDATE AND CLARIFY COMMITTEE NAMES INCLUDING ENERGY AND TELECOMMUNICATIONS..

**SEN. HALLIGAN** stated that as we had worked through this interim, there was already indications for instance from the veterans that may be interested in a separate committee. Indians, Native Americans would be interested in a separate committee. We had TACK out there and those kind of things. He thought they needed to be awfully cautious about the intent associated with that and what we're going to do there. He knew with those bills coming into the session, he was going to purpose that they needed a super majority to potentially change the interim structure so that you really have to think hard at getting good support to be able to change what had not had chance to work yet. He just wanted us to be cautious, especially the leaders too. Take a look at that stuff real seriously, because things hadn't even had a chance to get going yet.

**SEN. HARGROVE** said he hadn't really taken a position but he suspected that in some of these committees there was going to be some real problems getting people to do it with the fifty percent. We have well over twice that on the interim committee. It will just take some hard work. He used the interim committee to expand his horizon where as if you stay with what you're doing you become not quite as valuable a person.

**Mr. Petesch** told **SEN. HARGROVE** he thought that was why the fifty percent provision was put in statute. The other concern was with term limits, that if you didn't have that provision you could

have an interim committee with no one to carry legislation should they propose some.

**SEN. GROSFIELD** commented that as he read this last night he didn't go to the trouble of looking up 5-5-211. He didn't know it was fifty percent. And he was going to suggest an amendment to say fifty percent. He was just suggesting maybe that language might be in here just so if someone who just going to pick up the rules and reads them.

**CHAIRMAN THOMAS** asked **SEN. COCCHIARELLA** if she was amicable to that amendment as a friendly amendment to your motion? **SEN. COCCHIARELLA** said yes. We are going to restate in this rule that fifty percent must come from these committees of the total membership. It may be clear to all of us right now, but later on it will be a little bit of confusion.

**Vote:** Motion **carried unanimously.**

**CHAIRMAN THOMAS** asked if there was anything more to come before the Joint Rules Committee?

**Mr. Petesch** informed him they needed to request a bill to introduce the Joint Rules.

**CHAIRMAN THOMAS** asked for a motion.

Motion: **SEN. HARGROVE MOVED TO REQUEST A JOINT RESOLUTION TO INTRODUCE THE RULES FOR THE SESSION.**

**Vote:** Motion **carried unanimously.**

Motion: **SEN. HALLIGAN MOVED CHANGE IN 41-80.**

**SEN. HALLIGAN** stated he may use some strong language here, but if ever there was a fraud potentially that was perpetrated out there on the public, it was this particular amendment. You all can vote for any bill you want during the session that has massive amounts of money in it, and the freshmen or whoever had it can put that in and it goes all the way through and just stops because it's never funded. So there was no accountability. Nobody has to bite the bullet to say "This was a bad idea. We don't have the money for it." That was why certain people put that in was because we just didn't have the guts to be able to make the decisions. It was just ridiculous. So the freshmen or someone out there was trying to find the money for the thing and they've held out promise that maybe they are going to find it. That it was a cat and dog bill and it was somehow going through the process, and then it all dies at the end of the session and so does the

bill. It just doesn't make sense and he had argued that with John Harp and others over the years. Lets deal with it. Take it out. If you don't have the money for the bill we have to accept the responsibility for that too. Minority and majority. So he thought this was ancient and archaic and bad language. And it was not an accountable part of the process that will disdain all of you.

**MAJORITY LEADER SLITER** said with all due respect to **SEN.**

**HALLIGAN**, one of the reasons that he recalled contingent void ness was brought forward was due to that in a certain situation you'll notice that the language states in the rule that a bill that reduces revenue and that contains a contingent void ness provision may not be transmitted to the governor. What this was addressing was the propensity to introduce a large tax cut that would force a majority into making a choice between either voting against a tax cut or finding the reduction in the budget. What he thought it did was it created a responsibility among the members so as not to introduce legislation that would be irresponsible as far as a big tax cut concerned. Knowing full well that once it finally came to pass, you're going to have to reduce the budget by a significant amount in order to make the tax cut valid. He thought that was the reason the contingent void ness was created was to stop that type of irresponsible behavior and he for one thought that contingent void ness ought to still be a tool that was able to be utilized in our rules. He would argue against that motion.

**CHAIRMAN THOMAS** asked **SEN. HALLIGAN** if he wanted to close on his motion?

**SEN. HALLIGAN** asked if there was accountability in the process? He understood what they are saying so all of us get to vote for a massive tax cut, and it goes all the way through and it stops after it goes through the last house, but it can't be transmitted to the governor. So we all go home and say voted for that, but somebody didn't fine the revenue source. We can all vote for something that was totally irresponsible and then somehow say that the Rules said that we didn't mean it. It just wasn't right.

**CHAIRMAN THOMAS** asked for roll call vote.

**Vote:** Motion failed in the Senate 6-4.

**CHAIRMAN THOMAS** said the motion had failed. Was there further business of the Joint Rules. They were adjourned..

**ADJOURNMENT**

Adjournment: 11:00 A.M.

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SEN. FRED THOMAS, Chairman

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FREDELLA D. HAAB, Secretary

FT/FH

**EXHIBIT (rus00bad)**